

## **WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE:** **PUBLIC SAFETY** (*INCLUDING FIRE PREVENTION & BUILDING CODES, OFFICE OF EMERGENCY SERVICES AND SHERIFF AND COMMUNICATIONS*)

**DATE:** **AUGUST 27, 2009**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS VANNESS  
BENTLEY  
O'CONNOR  
BELDEN  
THOMAS

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS SOKOL  
GIRARD

**OTHERS PRESENT:**

BRIAN LAFLURE, DIRECTOR OF THE OFFICE OF  
EMERGENCY SERVICES/FIRE COORDINATOR  
AMY MANNEY, DEPUTY DIRECTOR, EMERGENCY  
SERVICES & STOP-DWI COORDINATOR  
BUD YORK, SHERIFF  
MICHAEL GATES, CAPTAIN, DEPARTMENT OF  
CORRECTIONS  
ROBERT SMITH, LIEUTENANT, ROAD PATROL  
FREDERICK MONROE, CHAIRMAN  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE &  
FISCAL SERVICES  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS STRAINER  
KENNY  
PITKIN  
SHEEHAN  
GOODSPEED  
TAYLOR  
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

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Mr. VanNess called the meeting of the Public Safety Committee to order at 11:06 a.m.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to approve the minutes of the August 24, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Bud York, Sheriff, who distributed the Agenda, a copy of which is on file with the minutes. Commencing the Agenda review, Sheriff York presented four in-state travel requests as follows:

- Investigator John Maday to attend the Henry F. Williams Homicide Seminar at the New York State Police Academy in Albany, New York, from September 12 -17, 2009.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve the in-state travel request as outlined above.

- Captain Michael Gates to attend the Blackcreek Users Group Conference in Alexandria Bay, New York from September 9 - 10, 2009, at a room rate of \$70.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to approve

the in-state travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

- James Fidd to attend the Glock Armorer's School at the Law Enforcement Academy in Schenectady, New York, on September 9, 2009.

Motion was made by Mr. Bentley, seconded by Mr. Belden and carried unanimously to approve the in-state travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

- Larry Jeffords, Marc Zahn and Brian Engle to attend the Active Shooting Response Training for Communications Officers to be held at the Law Enforcement Academy in Schenectady, New York, on November 4, 2009.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to approve the in-state travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

Sheriff York presented a request to Amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$36,137, to reflect the receipt of grant funds from the 911 Reimbursement Program.

Motion was made by Mr. Thomas, seconded by Mr. Bentley and carried unanimously to amend the 2009 County budget as outlined above and to refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Next, Sheriff York presented a request to fill the vacant mandated position of Correction Officer, base salary of \$32,400, Employee No. 10919, due to resignation, and the position of Correction Sergeant, base salary of \$36,400, Employee No. 10060, due to resignation. He stated that there were two vacant Corrections positions at this time.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve the request to fill the positions of Correction Officer and Correction Sergeant as outlined above, and to refer same to the Personnel Committee. *Copies of the Notice of Intent to Fill Vacant Position are on file with the minutes.*

Mr. Belden asked if the positions could be held open for one month while observing overtime requirements, and Sheriff York agreed for the positions to remain vacant for one month.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to table the requests to fill the vacant positions of Correction Officer and Correction Sergeant for one month.

Addressing the list of special assignments and duties, Mr. VanNess explained that the Sheriff's Department was over budget due in part to salaries, and it was agreed to discuss the issue with this Committee in an effort to recover the necessary funding. He said that he had met with Sheriff York with regard to requests for additional Patrol Officers for various events. Sheriff York

provided a list of special details, request and assignments, including personnel costs incurred by the department for same. *A copy of this report is on file with the minutes.*

Privilege of the floor was extended to Lieutenant Robert Smith, Road Patrol Officer, who stated that special requests for additional police presence were recorded and originated from towns, villages, special event organizers, schools, and civic groups. Mr. VanNess noted that \$21,088 was expended for requests and assignments, with a special events total of \$73,332 which was substantial and included Americade, the Adirondack Balloon Festival, and the Adirondack Nationals Car Show. Mr. VanNess thanked Sheriff York and Lt. Smith for producing the report with details.

Sheriff York stated that he had spoken with JoAnn McKinstry, Deputy Commissioner of Administrative and Fiscal Services, and a \$64,000 overage had been found as the result of the abolishment of two positions effective January 1, 2009 which were reflected as unfunded budget items. He stated that the \$64,000 would be subtracted from the budget expenditures (\$100,000 including employee benefits). Mrs. McKinstry conveyed that the Sheriff's Department Budget Request was increased by \$646,000.

A discussion ensued regarding the budget figures relative to salaries and benefits. Mr. VanNess summarized that approximately \$300,000 in appropriations would need to be reduced.

Pertaining to County vehicles, Mr. VanNess reminded the Committee that the Capital Project that was approved during Sheriff Cleveland's tenure included the purchase of vehicles for 2009 and 2010. Mr. Geraghty inquired if seized vehicles could be used for County business. Sheriff York stated that he had been willing to assist other County Departments in this regard whenever possible.

Relative to the analysis of the former jail, Mr. VanNess stated that Captain Gates conducted an analysis of the jail relative to staffing. Mr. Kenny noted that the figures on the reports distributed by Capt. Gates, and those compiled by Hal Payne, Commissioner of Administrative & Fiscal Services, were not in agreement.

Capt. Gates noted that the data analysis, which included a full-time equivalent (FTE) factor, was obtained directly from the State Division/Commissioner of Corrections and was completed in September 2004. He noted that the analysis also included a study of single versus group holding cells, and Sheriff York reported a maximum capacity of 186.

A discussion ensued and Mr. VanNess stated that further research would be conducted.

Responding to questions from Mr. Kenny, Capt. Gates stated that there was not a ratio (formula) for non-mandated security staff. He explained that the total FTE was an aggregate figure which incorporated the number of days worked in one year with vacation and leave times factored in. Mr. Kenny stated that it was his understanding that the total figure included transportation, medical needs, library, and others as listed. Capt. Gates noted that the description was for security staff only and the necessary transport would not be achieved due to conflicting Court obligations in varying towns for numerous detainees. He further explained that security services

were required any time that maintenance staff was working in the building.

Sheriff York asked the if any members of the Committee or the Board of Supervisors felt that the Sheriff's Office was not abiding by the expectations set forth. Mr. Kenny reiterated that it appeared the Department was over staffed by 5 part-time employees, as the operational parameters were built into the schedule.

Capt. Gates stated that the part-time, non-benefitted staff could provide the necessary transportation, or alternatively, the duties would be backfilled with overtime. He asserted that transportation was necessary for mandated Court appearances.

Mr. Goodspeed asked if there was any possibility for pod reconfiguration in recognition of gender separation, to achieve a net reduction to operate the jail under a new model. Capt. Gates stated that it would be difficult to accomplish and would raise the risk of losing \$7,000 in revenue.

With respect to cost savings for the County, Sheriff York stated that he would carry out the demands of the Committee; however, he added, the hiring of part-time staff was a cost savings measure as it reduced the need for overtime expenditures. He reiterated that the purpose behind his staffing decisions was to achieve cost savings for the County.

Responding to Mr. Kenny, Sheriff York apprised that the audit was completed in 2004 and a final, current analysis had not been completed. Capt. Gates predicted that a current analysis would provide the evidence of the need for six more staff at this time.

Mr. VanNess asked if a current audit could be expedited and Sheriff York cautioned that in light of the current economic crisis, it was likely that an audit would not be expedited. He reiterated that the total cost could be reduced by employing part-time, non-benefitted staff.

In agreement with Mr. Kenny, Chairman Monroe stated that the calculation for FTE's should include part-time employees.

Mr. Pitkin expressed his confidence in the Correctional professionals of the Sheriff's Office and he asked Sheriff York to determine the best method by which to balance the budget. Sheriff York cited that a \$500,000 reduction in the budget was equivalent to ten Officers and he expressed his disagreement with such a strategy. He further stated that he could not foresee a viable place from which to reduce the budget by that amount. Mr. Thomas expressed his support for the analysis of the jail for potential cost savings.

With respect to the negotiated contract that the Board of Supervisors and the Sheriff settled with the Police Benevolent Association (PBA), Sheriff York stated that figures for salary raises must be taken into consideration.

Chairman Monroe pointed out that even if a zero budget goal was obtained, a \$3 million shortfall would result which could require a layoff of 40-60 employees. Furthermore, he said, if the District Attorney and Sheriff's Office were exempt from the budgetary requirements or reductions, other Departments would bear the majority of the reductions.

Mr. Geraghty asked if it were practical for Warren County to support six housing units and he noted that Washington County had four units. Capt. Gates asserted that the Warren County units were run with an extremely high level of fiscal stewardship and overall efficiency at this time.

In terms of maximizing revenues, Mr. Goodspeed underscored the need to think outside the box. He said there were opportunities to save money that must be sought after with regard to pod configuration in conjunction with staffing adjustments especially with the constant shifting of the unit population. Capt. Gates pointed out that if one unit were closed, the equivalent of approximately 5.2 Officers would be saved; however, he asserted, \$700,000 in revenue would be lost.

Mr. Goodspeed asked if collaboration with other Counties could be achieved relative to the boarding of smaller segments of the population, such as female detainees. Capt. Gates stated that the Warren County facility boarded females from Dutchess and Schoharie Counties to maximize efficiency thus leveraging costs. He reported that as of this week, there were 26 females boarded in a 42 bed unit. Responding to a question from Mr. Belden, Capt. Gates stated that as of August 1, 2009 the total population was 152 (81.7% of capacity) and 29 of those were transferred from other Counties. He expounded that full security services were required due to the threat level. He noted that as of August 1, 2009, revenue was \$352,752 and projected to be \$680,017 for the year. Sheriff York noted that the 2009 budget revenue was \$450,000.

According to Mr. VanNess, other unforeseen budgetary ramifications were the loss of State Parole reimbursements for State prisoners and the Rockefeller Drug Law which would shift much of the States former responsibility to the Counties. He further stated that next budget year would likely present increased fiscal challenges.

Sheriff York stated that revenue should be moved with caution. He stated that to increase revenue to \$550,000 was reasonable and although he projected a revenue of \$680,000, \$600,000 was uncertain at this time. He asserted that accuracy was paramount and he preferred to remain fiscally cautious in terms of projected revenues. He added that the budgeted 2010 and 2009 revenue figures were \$500,000 and \$450,000, respectively.

A discussion ensued.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to increase the revenue for the Sheriff's Department by \$75,000, from \$500,000 to \$575,000, and to refer same to the Budget Officer for further review.

A discussion ensued relative to seeking a legal opinion with regard to shared services for jail facilities. Capt. Gates cautioned that State Constitutional issues were raised with respect to jail facilities for which a meeting was held two years ago. He stated it was doubtful that the Commission would approve the reciprocal transfer of detainees due to the fact that substitute jail orders were required by law in such cases typically limited to security issues, infestation, natural disaster and the like. Additionally, he stated, reciprocity would require a change in rights, which would ultimately result in lost revenue. Mr. Goodspeed suggested the possible realization of cost savings via the transfer of responsibility between the Civil and Patrol Divisions, which included the serving of legal papers and he cautioned that reducing Road Patrol would have a significant negative impact on small towns as it was an essential service. Mr. Kenny conveyed his support

of further investigation relative to shared services for the jail.

Privilege of the floor was extended to Brian LaFlure, Director of the Office of Emergency Services (OES)/Fire Coordinator, and Amy Manney, Deputy Director, OES, who presented a request to transfer the position of 4<sup>th</sup> Deputy Fire/Hazmat/WMD Coordinator from Homeland Security Code (A.3645) to Fire Prevention & Control (Code A.3410). The request, Mr. LaFlure stated, was initiated by the Treasurer's Office.

Motion was made by Mr. Belden, seconded by Mr. O'Connor and carried unanimously to approve the request to transfer the position of 4<sup>th</sup> Deputy Fire/Hazmat/WMD Coordinator as outlined above, and to refer same to the Budget Officer for further review.

Mr. LaFlure presented a request to increase the salary of the Deputy OES Director by \$4,848. Mrs. Manney apprised that the process to replace the current Department Intern, who had submitted her resignation, was underway. The Intern, she explained, would become the Traffic Safety Board Executive Secretary/STOP-DWI Coordinator on January 1, 2010. Mr. VanNess stated that the STOP-DWI position was totally funded through STOP-DWI funds according to the Traffic Safety Board.

Mrs. Manney stated that she became the STOP-DWI Coordinator in February 2007, and took on the OES Deputy Director duties in July of the same year. Mr. LaFlure apprised that the core issue was the absence of compensation as her former position was that of Senior Account Clerk. He stated that compensation had never been discussed and Mrs. Manney had retained the title of Sr. Account Clerk while carrying out the duties and responsibilities of a salaried Department Head position. He stated this issue was mutually exclusive of the STOP-DWI position.

Mr. LaFlure apprised that the Deputy OES Director position had not been properly funded, as the wage increase had been derived from STOP-DWI funding. The Traffic Safety Board Executive Secretary, he stated, should be included in the STOP-DWI Program versus OES. Furthermore, Mr. LaFlure stated that Mrs. Manney was on call 24/7, worked up to 55 hours per week with many evening work commitments, and served as back-up for the Director which was critical to the operation due to his part-time status. Lastly, he noted, Deputy positions throughout Warren County earned proportionately more salary, and the OES in other Counties had significantly higher budget expenditures for salaries.

Mr. O'Connor acknowledged Mr. LaFlure's request and he stated that the salary allotment for the STOP-DWI duties should be removed and transferred to Traffic Safety.

Mr. LaFlure apprised that the resolution authorizing permission to fill the vacant position of Deputy EMS Coordinator had been approved by Committee and subsequently tabled by the Board. Mr. VanNess acknowledged the need in the Department; however, he asked, if the position could remain vacant for a period of one year.

Mr. Kenny noted that Hal Payne, Commissioner of Administrative & Fiscal Services, had a list of Counties of similar size for comparison of staffing requirements. Mr. VanNess expounded that other Counties paid significantly more and had more staff in their OES Departments.

A discussion ensued.

Motion was made by Mr. Belden, seconded by Mr. Bentley and carried unanimously to approve the salary increase for the Deputy Director of OES in the amount of \$4,848 commencing January 1, 2010, providing the 2010 Budget Request reflected a zero percent increase, and to refer same to the Budget Officer for further review.

Lastly, Mr. LaFlure advised that the STOP-DWI Program should be overseen by the Traffic Safety Board and the fact that it was under the auspices of the OES created confusion. Mr. VanNess stated that the issue was currently under discussion.

With no further business to come before the Public Safety Committee, on motion made by Mr. Belden and seconded by Mr. Bentley, Mr. VanNess adjourned the meeting at 12:20 p.m.

Respectfully submitted,

Joanne Collins  
Legislative Office Specialist